

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

JOHNNY BATES and
PATRICIA MIDDLETON BATES,

Plaintiffs,

v.

MICHELIN NORTH AMERICA, INC.,

Defendant.

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CIVIL ACTION FILE

NO. 1-09-CV-03280-AT

**PLAINTIFFS' RESPONSE TO THE COURT'S ORDER OF
OCTOBER 17, 2011 REGARDING ORAL ARGUMENTS**

At this time, plaintiffs do not anticipate introducing live testimony or other evidence not currently provided in the briefs. Instead, plaintiffs' current intention is to rely solely on the briefs and oral argument.

As to the necessity of these hearings, Michelin has filed motions attempting to partially exclude plaintiffs' tire defect expert and some of the testing on which he relies and to dismiss plaintiffs' punitive damages claim in a case where the evidence supports the imposition of punitive damages. Plaintiffs respectfully contend that these motions should be denied based on the written submissions. Because of the importance of these issues to Mr. and Mrs. Bates, however,

plaintiffs request to be heard orally on these matters to the extent the Court is inclined to grant any of Michelin's motions designed to gut plaintiffs' case. As to plaintiffs' motions to exclude expert opinions from Michelin's in-house experts Glazener and Patrick (who never inspected the tire and who also refused to file reports), these can be decided on the written record though plaintiffs would be glad to argue them. It is our estimate that hearings on all five pending motions would take the better part of a day.

Respectfully submitted, this 17th day of October, 2011.

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CERTIFICATE OF SERVICE

I hereby certify that on October 17, 2011, I electronically filed
PLAINTIFFS' RESPONSE TO THE COURT'S ORDER OF OCTOBER 17, 2011
REGARDING ORAL ARGUMENTS with the Clerk of the Court using the
CM/ECF system which will automatically send email notification of such filing to
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